

104TH CONGRESS
1ST SESSION

H. R. 2470

To restore the second amendment rights of all Americans.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 11, 1995

Mr. STOCKMAN (for himself, Mr. FUNDERBURK, Mr. YOUNG of Alaska, Mrs. CHENOWETH, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Government Reform and Oversight and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To restore the second amendment rights of all Americans.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Second Amendment
5 Reaffirmation Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds:

8 (1) Article I, section 8, of the Constitution of
9 the United States gives no authority to Congress to

1 require a waiting period or a background check be-
2 fore the sale of a firearm.

3 (2) The United States Supreme Court, in
4 United States v. Lopez, struck down gun control leg-
5 islation for lack of constitutional authority.

6 (3) A number of Federal district courts have
7 ruled that the Federal mandate imposed on the
8 States by Public Law 103–159 violates the tenth
9 amendment to the Constitution of the United States.

10 (4) Public Law 103–159 violates the second
11 amendment to the Constitution of the United States
12 because it impermissibly infringes on the right of the
13 people to secure a firearm when necessary for the
14 protection of person and property and for the pur-
15 suit of other constitutionally protected activities.

16 (5) Waiting periods and background checks
17 have produced devastating effects for law-abiding
18 citizens trying to acquire firearms for self-defense.
19 During the 1992 riots in Los Angeles, residents
20 were forced to wait fifteen days before they could le-
21 gally buy firearms for protection, in spite of the fact
22 that police admitted they could not protect citizens.

23 (6) In addition to the problem of delays and er-
24 roneous denials for law-abiding citizens who need to

1 protect themselves, background checks can also lend
2 themselves to official abuse:

3 (A) In 1991, the office of Technology As-
4 sessment commented on the possibility of gun
5 owner registration under Virginia's instant
6 check system. It stated, "[T]he potential [for
7 registration] exists regardless of legal prohibi-
8 tions."

9 (B) A Justice Department Task Force
10 stated in 1989 that "[a]ny system that requires
11 a criminal record check prior to purchase of a
12 firearm creates the potential for the automated
13 tracking of individuals who seek to purchase
14 firearms."

15 **SEC. 3. SECOND AMENDMENT RESTORATION.**

16 (a) Public Law 103-159 is hereby repealed, and any
17 provisions of law amended or repealed by such Act are
18 restored or revived as if such Act had not been enacted.

19 (b) The Assault Weapon Manufacturing Strict Liabil-
20 ity Act of 1990 (D.C. Act 8-289, signed by the Mayor
21 of the District of Columbia on December 17, 1990) is
22 hereby repealed, and any provisions of law amended or re-
23 pealed by such Act are restored or revived as if such Act
24 had not been enacted.

1 (c) The second sentence of paragraph (4) of sub-
2 section (g) of section 923 of title 18, United States Code,
3 is amended to read as follows: “Where discontinuance of
4 the business is absolute, such records shall be delivered
5 within thirty days after the business discontinuance to an-
6 other licensee.”.

7 (d) Subparagraph (2)(A) of subsection (d) of section
8 924 of title 18, United States Code, is amended by adding
9 after “chapter” the following: “or under chapter 53 of
10 subtitle E of title 26, United States Code, including a pro-
11 ceeding before an administrative law judge”.

12 (e) Subparagraph (2)(B) of subsection (d) of section
13 924 of title 18, United States Code, is amended by adding
14 after “chapter” the following: “or under chapter 53 of
15 subtitle of title 26, United States Code, including a pro-
16 ceeding before an administrative law judge”.

17 (f) Subparagraph (2)(D) of subsection (d) of section
18 924 of title 18, United States Code, is amended by strik-
19 ing all after “(D)” and inserting in lieu thereof the follow-
20 ing: “Any person aggrieved by the violation of any civil
21 or constitutional right in connection with the lawful pos-
22 session or use of a firearm by the Government of the
23 United States or any official or employee thereof or the
24 Government of any State or subdivision or any official or
25 employee thereof may bring an action for actual and puni-

1 tive damages in the federal district court in which such
2 person resides or transacts business. The court may award
3 a prevailing plaintiff, other than the Government of the
4 United States or any State or any subdivision thereof, or
5 any official or employee thereof, reasonable attorneys' fees
6 and costs. Nothing in this subparagraph shall be con-
7 strued to limit any remedies which may otherwise be avail-
8 able to such person."

9 (g) Section 926 of title 18, United States Code, is
10 amended by adding at the end thereof the following new
11 subsections:

12 "(d) No provision of law, nor any statute of any State
13 or subdivision thereof, enacted to regulate the level of any
14 pollutant or pollutants may be applied to the sale, trans-
15 portation, possession, importation, or use of any firearm
16 or ammunition.

17 "(e) No officer or employee of the Bureau of Alcohol,
18 Tobacco and Firearms may undertake any investigation
19 of a single individual, organization, or business which will
20 reasonably require expenditures in excess of \$4,000 with-
21 out prior written approval by the Deputy Secretary of the
22 Treasury.

23 "(f) No officer or employee or the Bureau of Alcohol,
24 Tobacco and Firearms may undertake any investigation
25 in consultation or cooperation with the Internal Revenue

1 Service without prior written approval by the Deputy Sec-
2 retary of the Treasury.

3 “(g) Whoever violates any provision of this section
4 shall be imprisoned for not more than two years, fined
5 not more than \$250,000, or both.

6 “(h)(1) No officer, agent, or employee of the United
7 States may list, record, copy, or computerize the names
8 of firearms owners, other than those required to be main-
9 tained under title 26, United States Code, nor shall such
10 officer, agent, or employee transfer information concern-
11 ing the identities of firearms owners to a facility owned,
12 managed, or controlled by the United States or any State
13 or political subdivision thereof, nor shall such officer,
14 agent, or employee participate in the establishment of any
15 system of registration of firearms, firearms owners, or
16 firearms transactions or dispositions. Any list, record,
17 copy, computerization, facility, or system which, had it
18 been created or expanded following the effective date of
19 this Act, would be in violation of this Act, together with
20 any records delivered to the Secretary pursuant to para-
21 graph (4) of subsection (g) of section 923 of title 18,
22 United States Code, shall be destroyed within ninety days
23 of the effective date of this Act.

24 “(2) Any person aggrieved by the violation of any
25 civil or constitutional right in connection with a violation

1 of the provisions or this subsection by the Government of
2 the United States or any official or employee thereof or
3 the Government of any State or subdivision or any official
4 or employee thereof or the Government of any State or
5 subdivision or any official or employee thereof may bring
6 an action for actual and punitive damages in the federal
7 district court in which such person resides or transacts
8 business. The court may award a prevailing plaintiff, other
9 than the Government of the United States or any State
10 or any subdivision thereof, or any official or employee
11 thereof, reasonable attorney's fees and costs. Nothing in
12 this subparagraph shall be construed to limit any remedies
13 which may otherwise be available to such person.''.
14

SEC. 4. SEVERABILITY.

15 If any provision of this Act or the application thereof
16 to any person or circumstance is held invalid, the invalid-
17 ity does not affect other provisions or applications of the
18 Act which can be given effect without the invalid provi-
19 sions or applications, and to this end the provisions of this
20 Act are severable.

SEC. 5. EFFECTIVE DATE.

22 The provisions of this Act shall take effect imme-
23 diately upon enactment.

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